

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

16-CR-6026-FPG

ALEXANDER BUIE

Defendant.

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**STATEMENT OF THE GOVERNMENT WITH RESPECT  
TO SENTENCING FACTORS**

**PLEASE TAKE NOTICE**, the government has fully reviewed the Pre-Sentence Investigation Report ("PSR") submitted by the United States Probation Department on or about June 14, 2016. The sentencing guideline calculations contained in the presentence report are identical to those contained in the plea agreement. Accordingly, the government has no objection to and adopts the findings of the PSR.

Upon the ground that the defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently, the government hereby moves the Court to apply the additional one (1) level downward adjustment for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(b).

Pursuant to the terms of the plea agreement, and based upon the defendant's qualification for the safety valve, it remains the understanding of the government and the defendant that with a total offense level of 19 and a criminal history category of I, the defendant's sentencing range would be a term of imprisonment of **30 to 37 months, a fine of \$6,000 to \$1,000,000, and a period of supervised release of three (3) years.**

The defendant is required to pay a \$100 special assessment pursuant to 18 U.S.C. §3013 at the time of sentencing. Immediately after sentencing, the defendant must pay the amount due by personal check, cashier's check or certified funds to the United States District Court Clerk. It is requested that the Court order that all financial obligations be due immediately. In the event the defendant lacks the ability to immediately pay the financial obligations in full, it is requested that the Court set a schedule for payment of the obligations.

In the event present counsel for the defendant will continue to represent the defendant after sentencing in regard to the collection of unpaid financial obligation(s), it is requested that a letter so advising be sent to:

Asset Forfeiture/Financial Litigation Unit  
U.S. Attorney's Office--WDNY  
138 Delaware Avenue  
Buffalo, New York 14202

If a letter is not received within 10 days of sentencing, the defendant will be directly contacted regarding collection of the financial obligation(s).

**MOTION FOR DOWNWARD DEPARTURE FOR SUBSTANTIAL ASSISTANCE**

The government hereby moves for a downward departure in sentencing pursuant to Guidelines § 5K1.1. The basis of the motion along with any sentencing recommendations, are being supplied to court and counsel under separate cover.

DATED: June 30, 2016

Respectfully submitted,

William J. Hochul, Jr.  
UNITED STATES ATTORNEY

By: s/Douglas E. Gregory  
DOUGLAS E. GREGORY  
Assistant U.S. Attorney  
United States Attorney's Office  
100 State Street, Room 500  
Rochester, New York 14614  
585-399-3938

TO: Hon. Frank P. Geraci, Jr.  
David C. Pilato, Esq.  
Sarah C. Whitcomb, USPO